

Translation

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY
(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 51.600 WO	FOR FURTHER ACTION	See Form PCT/IPEA/416
International application No. PCT/EP2004/008505	International filing date (day/month/year) 29.07.2004	Priority date (day/month/year) 29.07.2003
International Patent Classification (IPC) or national classification and IPC E06B3/46		
Applicant HOEDTKE GMBH & CO. KG METALL- UND LASERTECHNIK		

1.	This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.
2.	This REPORT consists of a total of <u>5</u> sheets, including this cover sheet.
3.	This report is also accompanied by ANNEXES, comprising: a. <input type="checkbox"/> (sent to the applicant and to the International Bureau) a total of _____ sheets, as follows: <input type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions). <input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box. b. <input type="checkbox"/> (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) _____, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).
4.	This report contains indications relating to the following items: <input checked="" type="checkbox"/> Box No. I Basis of the report <input type="checkbox"/> Box No. II Priority <input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability <input type="checkbox"/> Box No. IV Lack of unity of invention <input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement <input type="checkbox"/> Box No. VI Certain documents cited <input type="checkbox"/> Box No. VII Certain defects in the international application <input type="checkbox"/> Box No. VIII Certain observations on the international application

Date of submission of the demand	Date of completion of this report
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

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Box No. I Basis of the report

1. With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.
- ☐ This report is based on translations from the original language into the following language _____, which is the language of a translation furnished for the purposes of:
- ☐ international search (Rule 12.3 and 23.1(b))
- ☐ publication of the international application (Rule 12.4)
- ☐ international preliminary examination (Rule 55.2 and/or 55.3)
2. With regard to the elements of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:
- ☐ the international application as originally filed/furnished
- ☒ the description:
- pages 1-28 _____ as originally filed/furnished
- pages* _____ received by this Authority on _____
- pages* _____ received by this Authority on _____
- ☒ the claims:
- nos. 1-24 _____ as originally filed/furnished
- nos.* _____ as amended (together with any statement) under Article 19
- nos.* _____ received by this Authority on _____
- nos.* _____ received by this Authority on _____
- ☒ the drawings:
- sheets 1/6-6/6 _____ as originally filed/furnished
- sheets* _____ received by this Authority on _____
- sheets* _____ received by this Authority on _____
- ☐ a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.
3. ☐ The amendments have resulted in the cancellation of:
- ☐ the description, pages _____
- ☐ the claims, nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to sequence listing (*specify*): _____
4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).
- ☐ the description, pages _____
- ☐ the claims, nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to sequence listing (*specify*): _____

* If item 4 applies, some or all of those sheets may be marked "superseded."

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Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	<u>2-22, 24</u>	YES
	Claims	<u>1, 23</u>	NO
Inventive step (IS)	Claims	<u>3</u>	YES
	Claims	<u>2, 4-22, 24</u>	NO
Industrial applicability (IA)	Claims	<u>1-24</u>	YES
	Claims		NO

2. Citations and explanations (Rule 70.7)

This report makes reference to the following document:

D1: DE 11 58 690 B (KLOECKNER HUMBOLDT DEUTZ AG)
5 December 1963 (1963-12-05)

2 INDEPENDENT CLAIMS 1 AND 23

2.1 The present application does not meet the requirements of PCT Article 33(1) because the subject matter of claim 1 lacks novelty (PCT Article 33(2)).

Document D1 discloses (the references between parentheses refer to that document):

sliding door (1) with a guide (61, 57, 62) for a door leaf that can be moved between an open position and a closed position within the guide (61, 57, 62), with a locking device, which locks the door leaf in the closed position by means of fictional engagement (see figure 8), the locking device comprising drive means (54), force-

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Box No. V

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transmitting means (51) that interact with the drive means (54), locking elements (25) and motion translators (50) that move the locking elements (25), the locking elements (25) being moved from a release position in which the door leaf is released into a retaining position in which the door leaf (14) is held by frictional engagement, a frame (62) being provided which covers at least part of the edge region of the first side (3, 12) of the door leaf when the door leaf is in the closed position, and the motion translator (50), using the force transmitting means (51) and the drive means (54), moving the locking elements (25) in a first circumferential direction relative to the frame (12) parallel to a side of the door leaf perpendicularly from the release position into the retaining position and in the other circumferential direction from the retaining position into the release position.

- 2.2 In addition, in D1 the sliding door is used as a safety door (see D1, column 1, lines 21-29), and therefore the use claim also lacks novelty.

3 DEPENDENT CLAIMS 2, 4-22, 24

Claims 2, 3-22 and 24 do not appear to contain any features which, in combination with the features of any claim to which they refer, meet the PCT requirements for novelty and inventive step.

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Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
4	<p data-bbox="456 348 756 369">DEPENDENT CLAIM 3</p> <p data-bbox="456 432 1325 600">The subject matter of claim 3 differs from document D1 in that the locking elements are arranged in a second frame part that is associated with the second side of the door leaf.</p> <p data-bbox="456 663 1325 831">The present invention can therefore be considered to address the problem of making the door leaf of the sliding door known from D1 considerably more simple.</p> <p data-bbox="456 894 1325 1230">Claim 3 of the present application proposes solving the problem by accommodating the locking elements in a frame part. That solution is not obvious and would require a step which a person skilled in the art could not implement without any indication in the prior art. Claim 3 thus meets the PCT requirements for novelty and inventive step (PCT Article 33).</p>